



Civil Service Commissioners

supporting an effective and impartial Civil Service

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REPORT OF THE CIVIL SERVICE COMMISSIONERS
TO HER MAJESTY THE QUEEN FOR THE PERIOD
1 APRIL 2002 TO 31 MARCH 2003

Civil Service Commissioners

supporting an effective and impartial Civil Service



*The challenge for all of us is to ensure we have a Civil Service which
and fit for purpose but also*

THE YEAR 2002-2003 WAS ONE OF EXCEPTIONAL ACTIVITY. For one thing, the number of senior competitions chaired by a Commissioner increased by nearly 10 per cent. But other events and developments raised important issues about our role and required us to respond to them. How we did so is indicated in *Recommending changes to ensure Civil Service impartiality*.

In particular, the Committee on Standards in Public Life ('the Wicks Committee') set up an inquiry in March 2002 into 'boundaries within the Executive' between Ministers, special advisers and the permanent Civil Service. This was a response to a number of high-profile events, notably in the former Department for Transport, Local Government and the Regions. The House of Commons Select Committee on Public Administration also looked at 'these unfortunate events'.

The Wicks Committee, to which we gave evidence, published its report in April 2003. It is important that an independent body of this stature has looked in depth at the issues. The committee stated: 'We heard nothing in our evidence to suggest that specific aspects of the current reform of the Civil Service necessarily risked undermining the core values... However, we did hear concerns that insufficient attention was being paid to the overall effect of change.'

This, we do believe, is a real concern. The Civil Service has, quite rightly, embarked on a programme of reform in response to changing demands. At a time of rapid change there is a need, more than ever, to ensure core values are not eroded.



*is not only competent
steeped in values which command public trust.*

As departments recruit more people from outside to senior positions, it is essential not only to make sure the Civil Service benefits from their skills, experience and different ways of doing things, but also that they understand the core values which underpin the work of the service. These values are neither incompatible with nor peripheral to the process of change.

It is the unintended consequences of change which worry us. One of them is the lack of awareness of the Civil Service Code among recruits and even some long-serving staff. The code is neither well known nor promoted. Departments have much to do to turn it into a living document. It is indeed pleasing that the Wicks Committee has recognised this and recommended the promotion of the code by departments and an enhancement of the role of the Commissioners to monitor its promotion. The committee's other recommendations – giving the Commissioners an active role in scrutinising the maintenance of the core values of the Civil Service – are also consistent with our evidence to the committee.

We very much hope the Government will give a speedy and positive response to the Wicks report. The challenge for all of us is to ensure we have a Civil Service which is not only competent and fit for purpose but also steeped in values which command public trust.

Baroness Prashar CBE First Commissioner June 2003

Section **02** | The Civil Service Commissioners



We contribute to the development of an effective and impartial Civil Service and support its core values by giving an assurance that appointments are made on merit



The Commissioners oversee Civil Service appointments and standards.

We contribute to the development of an effective and impartial Civil Service and support its core values by giving an assurance that appointments are made on merit and by hearing appeals under the Civil Service Code.

Those core values are integrity, honesty, impartiality, objectivity and selection on merit. Everything the Commissioners do is directed at upholding them.

We are, above all, members of the general public. From our different careers and interests, we bring experience of the public, private and voluntary sectors. This, we believe, gives us insights into how the Civil Service can best serve the public and earn their confidence.

We operate alongside departments, the Cabinet Office and Ministers. But we are independent of them. None of us is a serving civil servant.

We are appointed by Order in Council under the Royal Prerogative. The First Commissioner works for three days a week and the other Commissioners for two to eight days a month.

In the making of appointments, the 1995 Civil Service Order in Council requires us to maintain the principle of selection on merit on the basis of fair and open competition.

We do not make appointments ourselves. That is the responsibility of individual departments. Our approval is needed only for appointments at the most senior levels.

But departments must follow requirements we have laid down in our Recruitment Code. This, for example, interprets 'merit' and 'fair and open competition'. It also provides for limited exceptions to the requirements, such as short-term appointments and secondments from outside organisations. See *Appendix C: Interpretation of selection on merit and fair and open competition*.

We encourage the use of appropriate and innovative selection methods. Our collective knowledge of good practice outside the Civil Service is of particular value here. This is an example of how our experience can make a difference.

Since 1996, we have also had an important role in helping to uphold the service's standards of conduct and propriety.

Under the Civil Service Code, a civil servant who believes he or she is being required to act improperly should report the matter within the department. But civil servants who believe the response is not reasonable may report the matter to us.

The Commissioners then investigate the appeal thoroughly and as quickly as possible. If we uphold the appeal, we make recommendations to the department and publish our finding.

We also look for informal ways to promote knowledge and understanding of the Civil Service Code. We think it needs to be much better known, especially by new staff.

At all times, we try to be practical and approachable. We know that fine words are meaningless without the constant hard work, discussion and common sense that make them a reality.



BARONESS PRASHAR CBE

JAMES BOYLE

DAME RENNIE FRITCHIE

PETER BOUNDS

BRONWEN CURTIS

GEOFFREY MADDRELL

GERALDINE PEACOCK CBE

HAMISH HAMILL CB

MAGGIE SEMPLE OBE

ALASTAIR MACDONALD CB

SHEILA FORBES CBE

GERARD LEMOS CMG

DAVID BELL

PROFESSOR EDWARD GALLAGHER CBE

The Civil Service Commissioners

Baroness Prashar CBE

Usha Prashar has been the First Civil Service Commissioner since August 2000.

She is also Chancellor of De Montfort University, Chairman of the National Literacy Trust, a non-executive Director of UNITE, Chairman of the Royal Commonwealth Society and a Trustee of the BBC World Service Trust. She was previously Chairman of the Parole Board for England and Wales, Director of the National Council for Voluntary Organisations and Director of the Runnymede Trust. Usha Prashar became a life peer in 1999.



James Boyle

James Boyle was Controller of BBC Radio 4 from 1996-2000. His 25-year BBC career also included producing plays for children, reviving BBC Radio Scotland and acting as Chief Adviser on Editorial Policy. He is Chairman of the Scottish Arts Council, a Council Member of Voluntary Services Overseas and an Honorary Lecturer at Stirling University. He is on the Board of Wark Clements, which has rapidly evolved from an independent TV producer into a multi-media content provider.





Dame Rennie Fritchie

Rennie Fritchie has been the Commissioner for Public Appointments since 1999, regulating ministerial appointments to some 12,000 public bodies. She is also Pro-Chancellor of the University of Southampton and Vice Chair of the Stroud and Swindon Building Society. Rennie Fritchie was previously Chair of the South and West Regional Health Authority and the Home Secretary's representative on the selection panel for independent members of the Gloucestershire Police Authority. She has also worked as an independent consultant in the training and development field.



Peter Bounds

Peter Bounds was Chief Executive of Liverpool City Council from 1991-1999. He has wide experience of public-service and community leadership. He holds leading positions in church and arts organisations and in regeneration partnerships. He is a consultant on governance and conduct issues in local government and a Patron of the Centre for Tomorrow's Company, a think tank and catalyst for a new agenda for business.



Bronwen Curtis

Bronwen Curtis is Chairman of the Northampton Hospital NHS Trust and the Home Secretary's representative on the Police Authority Selection Panel. She was previously Vice President of Human Resources for Avon Cosmetics. Bronwen Curtis has held board positions in strategic planning, business development, manufacturing and human resources. She has been a non-executive Director and Chair of Two Shires Ambulance NHS Trust and a member of the National Manufacturing Council.

Geoffrey Maddrell

Geoffrey Maddrell is Chairman of UNITE, a specialist in student and key-worker accommodation services; Westbury, a national housebuilding company; LDV, the specialist light commercial vehicle manufacturer; BuildStore, a service provider to the self-build market; and the Ivory and Sims ISIS Trust. He was formerly Chairman of the whisky company, Glenmorangie, and Chief Executive of the Tootal Group. Geoffrey Maddrell set up ProShare, a charity which supports private individuals and employees in equity markets. He is Chairman of Airborne Forces Charities (supporting endangered youth); UNIAID (addressing student debt problems); and iART (researching interventions in autism).



Geraldine Peacock CBE

Geraldine Peacock is Chief Executive of The Guide Dogs for the Blind Association. She is also a Trustee and Executive Committee member of the National Council for Voluntary Organisations and serves on the Home Office's Active Community Unit Advisory Panel and the Treasury's 'futurebuilders' task force. She served on the Strategy Unit Advisory Panel on the Reform of Charity Law and was a member of the Treasury's Social Investment Task Force. She was previously Chief Executive of the National Autistic Society and Chair of the Association of Chief Executives of Voluntary Organisations. Geraldine Peacock was appointed CBE in 2001 for services to the voluntary sector.



Hamish Hamill CB

Hamish Hamill was a career civil servant who headed a number of Scottish departments before devolution and was the first Head of the Scottish Executive's Justice Department. He has wide experience of appointments to senior positions in Government, non-departmental public bodies, the National Health Service and the judiciary. He is a member of the Scottish Records Advisory Council and a Trustee of the Fire Service Research and Training Trust.





Maggie Semple OBE

Maggie Semple is Chief Executive of The Experience Corps, a company involved in regenerating communities through volunteering. She was previously Director of the Learning Experience for the New Millennium Experience Company, Director of Education and Training at the Arts Council of England, a schools inspector and a deputy head teacher. She is a board member of a number of arts and educational organisations, and has served on education-related government task forces. Maggie Semple was appointed OBE in 2001 for services to arts education.



Alastair Macdonald CB

Alastair Macdonald spent several years in journalism, on *The Spectator* and *The Financial Times*, before becoming a career civil servant. He worked for the Ministry of Defence and for the Department of Trade and Industry where he became Director General for Industry. He was particularly involved in policy development for high-tech industries such as IT and telecommunications. Alastair Macdonald was President of the British Computer Society in 2000-2001. He is a non-executive Director of Parity Group (an IT services provider) and a member of the Design Council and of charitable trusts including the Chatham Historic Dockyard Trust.



Sheila Forbes CBE

Sheila Forbes spent most of her career managing organisational change as a human resources director in the private sector. She was Personnel Director of Storehouse and then Human Resources Director of Reed Elsevier UK. She is a non-executive director of OCS Group, Chair of Thames Valley University's Board of Governors and a member of the British Library Board. She is also an independent consultant on HR and organisational issues, mainly in the arts, the voluntary sector and higher education. Sheila Forbes was appointed CBE in 2002 for services to women in the workforce.

Gerard Lemos CMG

Gerard Lemos, a partner at social researchers Lemos&Crane, leads researchers investigating social policy issues including race equality and the needs of vulnerable people. He is the author of many reports and books on social policy. Gerard Lemos is also an Audit Commissioner, a member of the British Council's Board of Trustees, Deputy Chairman of the Banking Code Standards Board, a regulator of the retail banking industry and Chair of the Akram Khan Dance Company. He has served on various government working parties. He was appointed CMG in 2001 for services to the British Council.



David Bell

David Bell, Chairman of the Financial Times Group, has been a Director of Pearson since 1996. He was previously Chief Executive of The Financial Times. In 1998 he was appointed Pearson's Director for People. He is a non-executive Director of Vitec Group and the Windmill Partnership; Chairman of the Millennium Bridge Trust, Common Purpose Europe, Crisis and the International Youth Foundation; a Patron of the Ambache Chamber Orchestra; and a member of the Development Board of the National Theatre.



Professor Edward Gallagher CBE

Edward Gallagher held senior positions in industry before becoming Chief Executive of the National Rivers Authority and later of the Environment Agency. He is a Fellow of the Royal Academy of Engineering and a Visiting Professor at Middlesex University. He is also Vice President of the Council for Environmental Education, a Council Member of English Nature, Chairman of the Pesticides Forum, a Trustee of the Neuro-disability Research Trust and Chairman of the Board of Governors of Middlesex University. Edward Gallagher was appointed CBE in 2001 for services to the environment.





The Commissioners are supported by a small team: the Office of the Civil Service Commissioners (OCSC). It has a website (www.civilservicecommissioners.gov.uk/) explaining its role and presenting key documents. The OCSC e-mail address is ocsc@civilservicecommissioners.gov.uk

Section **03** | The year in brief



'We developed the ways we work with departments. This involved discussion at all levels to ensure understanding of our principles and effective application of them in a changing Civil Service.'

**We:**

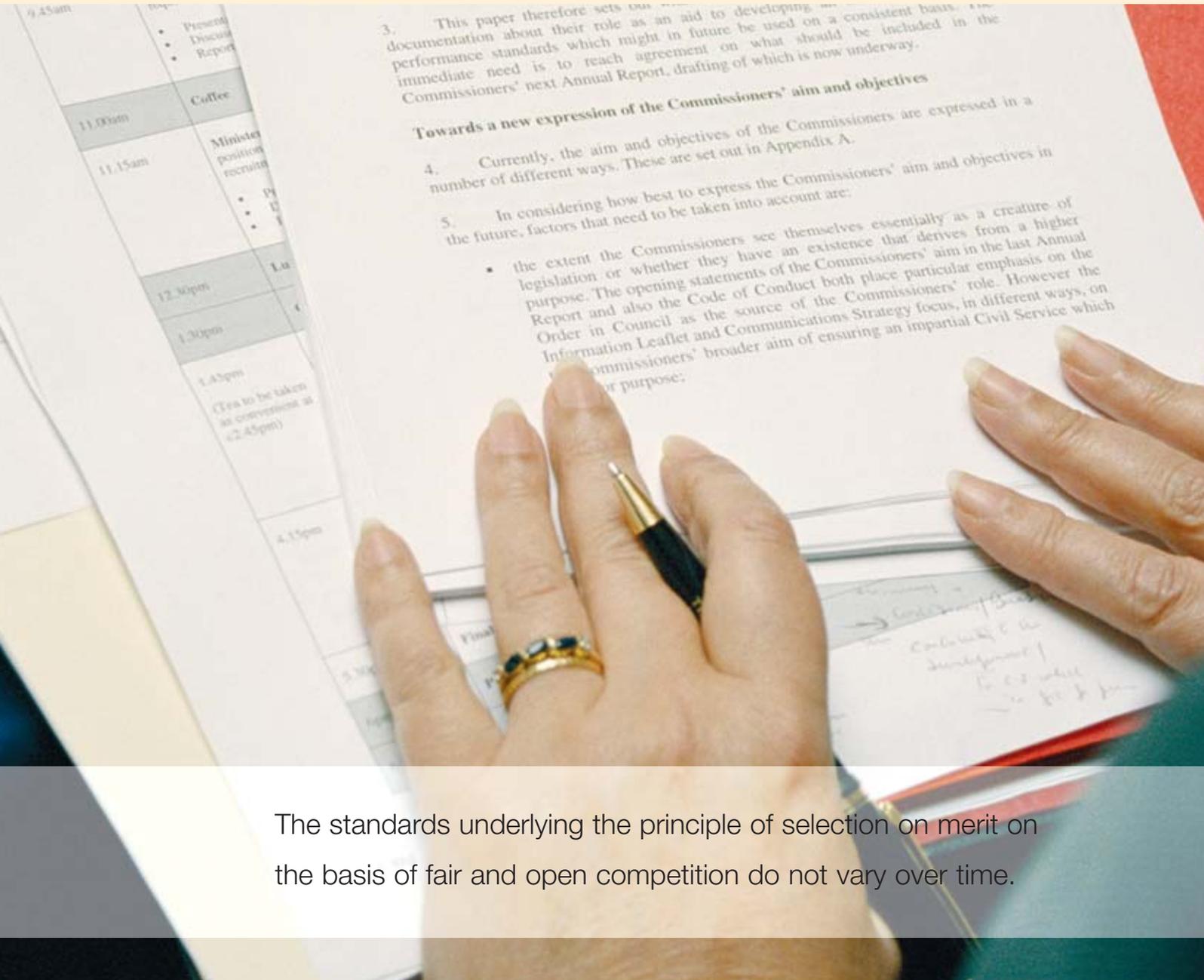
- *reviewed current issues to ensure that our regulatory approach is both effective and flexible;*
- *approved 146 appointments at the most senior levels of the Civil Service following fair and open competition;*
- *approved 15 appointments as exceptions to fair and open competition;*
- *agreed to an amendment to the Civil Service Order in Council 1995 allowing some relaxation of the requirements for our approval of appointments at senior levels;*
- *carried out 31 audits of departments' recruitment to ensure compliance with our Recruitment Code;*
- *concluded three appeals under the Civil Service Code.*

We developed the ways we work with departments. This involved discussion at all levels to ensure understanding of our principles and effective application of them in a changing Civil Service.

The First Commissioner spoke in a House of Lords debate on a Civil Service Act on 1 May 2002.

We gave evidence about our role in forums such as the House of Commons Select Committee on Public Administration and the Committee on Standards in Public Life. We commented publicly on the maintenance of an impartial Civil Service.

Section 04 | Aims and progress



The standards underlying the principle of selection on merit on the basis of fair and open competition do not vary over time.



The Commissioners contribute to the development of an effective and impartial Civil Service and support its core values by giving an assurance that appointments are made on merit and by hearing appeals under the Civil Service Code.

The standards underlying the principle of selection on merit on the basis of fair and open competition do not vary over time. Nor do the Civil Service's core values of integrity, honesty, impartiality and objectivity. But, in a changing world, the service's needs inevitably do change.

In responding to such changes, the Commissioners combine firmness of principle with flexibility of practice.

Here we set out our main aims and the progress during the year towards achieving them.

The objectives were:

- issuing a Recruitment Code to provide an effective and flexible approach to recruitment at all levels;
- ensuring compliance with the code;
- chairing and overseeing the process for selecting senior civil servants so as to ensure the best person available is appointed on merit;
- investigating appeals from civil servants under the Civil Service Code and the Code of Conduct for Special Advisers;
- working with departments to ensure the principles we uphold are understood and effectively applied;
- sharing good practice and encouraging innovation to support the Civil Service modernisation programme.

An effective and flexible approach to recruitment

Recruitment is the responsibility of individual departments. Our role is to provide a framework based on the Civil Service recruitment principles.

That framework must be flexible at a time when the service is seeing many changes, through reform as well as the continuing need for new skills and competencies. But it must still ensure the principles are clearly understood and give full assurance they are being met.

We may from time to time agree that a change to the specifications in the Civil Service Order in Council is appropriate. We also keep our Recruitment Code and auditing procedures under review.

Changes during the year

Following discussions with the Cabinet Office, we agreed to a number of such changes. These involved amendments to the Civil Service Order in Council and to our Recruitment Code with effect from 16 July 2002.

- Departments no longer need the Commissioners' approval when making appointments to the bulk of non-sensitive posts in the Senior Civil Service (SCS).
- Departments are allowed to extend short-term appointments from 12 to 24 months and to make secondments of up to 24 months without having to seek the Commissioners' approval for SCS posts where approval is otherwise required.
- Departments are allowed to arrange secondments at all levels for up to 24 months (instead of 12) without first establishing a field of candidates.

For more details, see *Appendix D: Amendments to Order in Council and Recruitment Code*.

'In the four years since the National Assembly for Wales was established, the Commissioners have been of enormous help to me. I've particularly valued the way they've always been willing to offer me both good and quick advice, and to help me embed the Civil Service values in this new and unique organisation.' **Sir Jon Shortridge** Permanent Secretary, National Assembly for Wales

'The audit provided clear guidance on where we need to make improvements and increase the robustness of our systems. Although we've been found wanting, we feel the audit was dealt with in a positive way and we're keen to adopt the recommendations. The auditors appreciated the changing culture in which we work and we found this approach helpful.' Treasury Solicitor's Department

Other issues under review

Other issues we have begun to consider include:

- the conversion of secondments made without fair and open competition to permanent appointments;
- a review of the provisions for transferring staff of non-departmental public bodies into the Civil Service.

Exceptions to the recruitment principle

We recognise that in some circumstances it is right to allow exceptions to selection on merit on the basis of fair and open competition in ways that do not undermine this fundamental principle. These exceptions are mainly to allow short-term appointments – secondments are a good example – where this will help departments to deliver their objectives.

Under the Recruitment Code, departments may apply the exceptions without our approval except for the very senior appointments where our approval is required generally and at lower levels in very exceptional circumstances.

Last year, we approved 15 appointments made under the exceptions.

For more details, see *Appendix E: Exceptions to selection on merit on the basis of fair and open competition*.

Ensuring compliance with the Recruitment Code

Review of Recruitment Code

We are preparing a more focused Recruitment Code, with more detailed material in the form of guidance. We are discussing with departments how best to achieve this and aim to issue the new code in the autumn.

Audits

We audit departments' recruitment policies and practices to ensure they comply with our Recruitment Code.

During the year 31 audits were carried out in a selected sample of departments and agencies.

The auditors have continued to find that most of those who carry out recruitment to the Civil Service support and practise the core principles.

Departures from the code's requirements have been in the area of the maintenance of the recruitment system, such as inadequate internal monitoring and poor record-keeping.

We would still like to see a higher level of performance in the internal checks which departments should themselves be carrying out and following up.

We are currently reviewing our approach to audit.

For a summary of the findings of audits over the year, see *Appendix F: Recruitment audits*.

The best person for the job at the most senior levels

Active involvement

The Commissioners are actively involved in the selection process at this level to make sure the best available person is appointed.

Departments and Ministers make the appointments. But we ensure the principle of selection on merit on the basis of fair and open competition is followed. And the appointments must be approved by us.

Our involvement from the start not only safeguards the recruitment principle, but also gives candidates, the Civil Service and the public the assurance that it has in fact been upheld.

'I'm delighted with the appointment we made and the way in which Geraldine Peacock chaired the process and made sure it was carried out in a fair, robust and professional manner.'

David Fillingham Director, NHS Modernisation Agency



First, we must be satisfied that:

- the job and person specifications are clear and accurate;
- the job is advertised appropriately;
- any other steps to attract suitable candidates are open and effective.

One of us chairs the selection panel. This Commissioner takes part in the drawing up of appropriate selection criteria and seeks to ensure they are soundly applied in assessing candidates at each stage of the selection process.

The Commissioner formally reports the outcome of the competition to the department. Any problems and points of good practice are shared with the other Commissioners and, where appropriate, fed back to departments.

We are grateful to departmental and agency managers and our own staff for their help and courtesy as we carry out our responsibilities for recruitment to the Senior Civil Service. We would also like to thank those outside the Civil Service who have served on selection panels for their willing and valued contribution to the senior appointments process.

Summary of appointments

During the year there were 146 appointments to the Senior Civil Service which required the Commissioners' approval.

That is fewer than in 2001-2002 when there were 200 such appointments. But this is not because fewer posts are going to open competition. It instead reflects a change in the scope of our responsibilities which has resulted in fewer appointments requiring our approval. Commissioners personally chaired 89 competitions compared with 82 in 2001-2002. Forty-two competitions were delegated to departments and arrangements were agreed with our Office. Some competitions involved more than one appointment. See *Appendix D: Amendments to Order in Council and Recruitment Code*.

Of the 146 appointments approved, 42 (29%) were filled by civil servants, 47 (32%) by candidates from elsewhere in the public sector and 57 (39%) by candidates from the private and voluntary sectors.

At the most senior levels, 15 appointments fell within the remit of the Senior Appointments Selection Committee (SASC).

In addition, the First Commissioner chaired the open competition to recruit the Director of the Serious Fraud Office, even though this post – a statutory office – is not subject to the Civil Service Order in Council.

Further details are in *Appendix B: Approval of appointments through open competition to the Senior Civil Service*.

Investigating appeals

The Commissioners help to maintain impartiality and standards of conduct and propriety in the Civil Service by hearing appeals under the Civil Service Code and the Code of Conduct for Special Advisers.

We report on appeals, where possible, in a way that does not disclose the identity of those involved. We believe this is the course most likely to gain the co-operation of all parties in our investigations and to achieve wholehearted implementation of any recommendations we make.

We reserve the right to disclose the identity of the organisation (and of the appellant), but would normally do so only if a department or agency refused to accept our recommendations.

Appeals under the Civil Service Code

1 We concluded a review of action taken by the department concerned following an appeal that we had upheld in part in 2000. This appeal – raising complex issues – had involved allegations that statutory regulations had not been properly followed and that due account had not been taken of expert advice. During 2002-2003, we also considered three further similar appeals from another officer in the same department.

Finding: We concluded that the three further appeals reinforced the concerns we had raised in the case of the first appeal. However, the department had in the meantime taken extensive measures to implement our recommendations following the first appeal. We are satisfied there has now been an adequate response to the issues raised by the four appeals.

2 We considered an appeal raising issues to do with the propriety of handling contracts.

Finding: We concluded that, while there had been some cause for concern in this area, the department had already taken appropriate measures to deal with the matter.

Other approaches

We also considered an allegation to do with lying in court by civil servants. It was further alleged that an attempt had been made to smear the appellant to prevent him from pursuing his concerns. We took the view that in this instance the issue of lying in court was a matter for the courts and the department concerned. An independent review of the allegations of personal smearing had been offered by the department. We encouraged the appellant to pursue this route as a next step.

Our Office is approached about concerns that do not fall under the terms of the Civil Service Code. We are therefore unable to consider these. The concerns mainly involve personnel management issues such as discipline and dismissal. We received five such approaches in 2002-2003.

Two approaches were made from outside the Civil Service about behaviour by civil servants that was considered to have contravened the Civil Service Code. Our Office explained that the code provides for appeals only from serving or former civil servants and suggested other channels through which the matters might be pursued.

We received no approaches under the Code of Conduct for Special Advisers.



'For Scottish Executive staff, remaining fully part of the Home Civil Service has been an important feature of the devolution settlement. The way our relationship with the Commissioners has developed has been helpful in consolidating this. I'm particularly grateful to the Commissioners for the input they've made to our recruitment exercises, helping us maintain the highest standards and quality.' **Sir Muir Russell** Permanent Secretary, Scottish Executive

Working with departments

The Commissioners work with departments to:

- ensure the principles we uphold are understood and effectively applied;
- promote, in particular, awareness of the Civil Service Code;
- share good practice and encourage innovation to support the Civil Service reform programme.

We maintain a dialogue with departments at all levels on how the principles are best applied in the light of current business objectives and operational circumstances.

We aim to make the lessons of good practice more widely shared.

We encourage and support innovation where it is needed.

Communicating our role

We promote awareness and understanding of our work, particularly in departments but also in wider circles.

During the year, we:

- distributed a leaflet about our work to more than 2,000 people in and outside government, including political representatives;
- extended our website to include more material and improved the site's navigation;
- introduced a process for feedback on recruitment competitions;
- contributed to the Civil Service College's training programme for the fast stream and on employment law;
- contributed to meetings of the Cabinet Office's interdepartmental Recruitment Network;
- used our annual report to make more accessible the principles we uphold and explain our role, as well as providing an account of actions and progress during the year.

Discussions of current issues

We developed our dialogue with departments on current issues through:

- continuation of a programme of discussions with individual Permanent Secretaries at our monthly meetings;
- the arrangement under which individual Commissioners are linked to individual departments to keep in touch with developments;
- discussions with the Cabinet Office;
- participation by our Office in an interdepartmental Recruitment Network and a Reforming Recruitment group.



Advising on our principles

Individual departments are responsible for ensuring their recruitment procedures comply with the Recruitment Code.

Their procedures do not require our approval except at the most senior levels. But our Office receives a large number of requests (often several a day) from departments seeking advice about the implications of the Recruitment Code for the way they handle their recruitment.

Many of these are fairly routine queries about how the code applies to a particular situation. Often the enquirer seeks confirmation of his or her understanding of the principles.

But our impression is that departments are increasingly looking for advice on wider issues. For example:

- a department wishing to introduce a new procedure might be unclear whether it would be consistent with the Recruitment Code;
- a department might want guidance on how to make its recruitment more effective or efficient in a way consistent with the code;
- unusual circumstances might have arisen in which the department is unclear how to proceed in accordance with the code.

During the year, we also issued guidance to departments on the implications of our Recruitment Code in relation to the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 which were introduced in response to the European Directive on Fixed-Term Work.

For guidance on the recruitment principles, see *Appendix C: Interpretation of selection on merit and fair and open competition*.



'My recruitment staff are grateful for the help provided by the staff of the OCSC and regard them as enablers rather than defenders of a strict recruitment code.'

Sir Michael Jay Permanent Secretary and Head of the Diplomatic Service, Foreign and Commonwealth Office

A problem, a dialogue and a solution

The Immigration and Nationality Department (IND) employs a large number of agency staff and wanted to explore whether these, if suitable, could be appointed to permanent positions without interviews on the basis of a line manager's assessment. This led to a dialogue with the Office of the Civil Service Commissioners on how to streamline the selection process.

After discussion, a possible solution emerged. In view of the unique circumstances facing the IND, the OCSC agreed to the approach outlined below as a pilot exercise:

- Agency staff with a minimum of six months' employment would complete the same competency-based application form as external candidates. They would be assessed by line managers, but a countersigning officer would be required to endorse the assessments to ensure against bias. Unlike external candidates, they would not take the competency-based test or be interviewed. The recruitment team would then use the application forms and line-management assessments to make their own decisions for appointment.
- The scheme would be applied to the most junior level in a six-month pilot. It would then be fully evaluated.

Our reasons for approving this possible arrangement were:

- The merit principle would be upheld as all suitable staff would be offered appointment. The IND would be running continuous recruitment and would be recruiting to a standard rather than to an order of merit. The same standard would apply to external candidates and agency staff.
- The competency-based application form and line-management assessment should achieve the same result as a test and interview. Indeed, the arrangement might prove more effective because it would demonstrate the individual was competent in the job, while an interview would have assessed whether the individual was likely to be successful in it.
- No one else could really claim he or she was disadvantaged by it. Given that there would be a large number of vacancies, if he or she met the same standard, a job offer would follow.

The future provision and use of agency staff in IND are being reviewed and the pilot scheme has not yet been undertaken.



'This is a time of substantial reform. Concerns are more than ever being expressed about the blurring of the boundaries within the Executive.'



The Commissioners have during the year recommended changes to ensure Civil Service impartiality. In particular, the First Commissioner, Baroness Prashar, spoke in a House of Lords debate and gave evidence to two inquiries into aspects of public conduct. On those occasions, she set out the Commissioners' views about current arrangements in relation to the Civil Service and the changes they would like to see.

House of Lords

Baroness Prashar spoke in the House on 1 May 2002 in a debate, initiated by Lord Holme of Cheltenham, on a Civil Service Act.

This was, she said, a time of substantial reform when concerns were more than ever being expressed about the blurring of boundaries within the Executive. That led her to explore two questions.

First, was there anything more that needed to be done to support the maintenance of an impartial and competent Civil Service which was equipped to respond to the challenges of today's world, deliver services and serve the best interests of everyone in society?

Baroness Prashar said the key issues here were whether there was sufficient clarity about the roles of civil servants in general and special advisers in particular and whether there were effective mechanisms in place to monitor and enforce the codes governing their conduct.

If special advisers were given too much power or influence, it could undermine the relationship between Ministers and civil servants. It was important to get this balance right. Otherwise there was a risk of demoralising the Civil Service and making it more difficult to recruit and retain the high-quality individuals needed to deliver public services.

Baroness Prashar called for more clarity about the respective roles and the arrangements for dealing with problems at the boundaries. There appeared to be a variance between the legal basis for the role of special advisers as set out in the Civil Service Order in Council and the way it was described in the Code of Conduct for Special Advisers. She was also concerned that special advisers seemed to be taking more of a role

in the management of civil servants. This lack of clarity was leading to speculation that the Civil Service was being politicised.

In a fuller version of the speech, published in *The House Magazine*, Baroness Prashar says such developments reinforce the need for an effective mechanism to monitor the overall situation and initiate enquiries where there are prima facie grounds for thinking a code has been infringed. Otherwise an individual civil servant has to take the daunting step of raising a formal appeal.

The second question Baroness Prashar addressed in the debate was whether an Order in Council – the means by which the Civil Service was ordered – was the right legislative vehicle.

She recognised that clarification could be achieved by rewriting the codes. However, she believed the constitutional position of the Civil Service should be placed more directly under the oversight of Parliament.

In the speech, Baroness Prashar says the constitutional position of the Civil Service should be disentangled from its management role and the respective roles and responsibilities of Ministers, political advisers and civil servants should be clarified. This would give the Civil Service an important freedom: the freedom to get on with the business of organisational reform, secure in the knowledge that certain narrowly defined but critically important core values had been safeguarded.

For the full text, see our website:
www.civilservicecommissioners.gov.uk/

House of Commons Select Committee on Public Administration

In its inquiry into public appointments and patronage, the committee took evidence from Baroness Prashar on 9 May 2002.

Asked about a Civil Service Act, Baroness Prashar said there was a need to enshrine the constitutional position of the Civil Service and its impartiality in statute, so that any changes could not take place without reference to Parliament. She did not wish to inhibit the evolution,



development and reform of the Civil Service. For this reason, a Bill should be narrowly defined and deal with the constitutional position of the Civil Service and not with management issues.

She drew a distinction between the Civil Service's values and competencies. Its values flowed from its constitutional position. They were impartiality, integrity, objectivity, honesty and serving the government of the day to the best of its ability.

Entrenching the constitutional position of the Service and its values would not inhibit organisational change and development.

Baroness Prashar said it was important to look at the health of the organisation, to ensure it remained fit for purpose. Different skills and competencies were needed as the Civil Service developed and changed.

It would be no good having an impartial Civil Service which was incompetent. Competence, or fitness for purpose, was just as important as impartiality. Appointing people on merit, which meant getting the best available person for the job, was the way to ensure efficiency and competence.

Baroness Prashar confirmed that events in the former Department of Transport, Local Government and the Regions between September 2001 and May 2002 had not been referred to the Commissioners.

She explained that, for many civil servants, making an appeal under the Civil Service Code was seen as the 'nuclear option'. For this reason, better mechanisms were needed for them to lodge an appeal with the Commissioners or, possibly, for the Commissioners to make enquiries if there were reasonable grounds for concern that the various codes had not been observed.

Baroness Prashar's evidence is at the committee's web pages:
www.publications.parliament.uk/pa/cm200102/cmselect/cmpubadm/686/2050902.htm

Committee on Standards in Public Life

Baroness Prashar gave the committee written evidence and, on 2 July 2002, met them to give oral evidence.

She said the distinction between the work of special advisers and civil servants should be as clear as possible. Otherwise there could be a confusion of role at the expense of an impartial Civil Service.

The special advisers' code allowed them to represent the views of their Ministers to the media. But the Order in Council which governed their appointment allowed them only to provide advice to Ministers. This needed to be clarified.

Moreover, the assumption that special advisers were better placed than civil servants to interpret a Minister's view on a particular issue could easily lead, in effect, to their giving instructions to civil servants. The scope for confusion was increased if special advisers had an executive role.

Baroness Prashar said the current codes should be reviewed. The Commissioners had three concerns about them.

The first was the extent to which individuals were aware of the codes and the implications for their work. It was the responsibility of departments to promote the codes, to make them a living reality through induction, training and management and thereby to turn them into positive statements of values. The Commissioners should be given the specific remit of keeping the operation of the codes under review and proposing amendments.

Secondly, the Commissioners were surprised that the right of appeal for a civil servant who wished to clarify the activity of a special adviser was in the Code of Conduct for Special Advisers and not in the Civil Service Code.

The third area of concern was that civil servants were constrained from pursuing appeals for fear of the impact on their careers. The Commissioners should be able to initiate enquiries when they had reasonable grounds to believe there had been a systemic failure under the code.



Baroness Prashar said clarity would also be enhanced if there was greater transparency about the different types of special advisers. Those who gave political advice should be distinguished from civil servants. This could be done by making them directly accountable to their Minister (who would recruit them and be personally responsible for their conduct and discipline) and, possibly, by having their costs charged to a separate fund approved by Parliament. Expert advisers – appointed for their knowledge and expertise in a particular subject area – should be recruited under the Civil Service Commissioners' requirements.

Asked for her views about giving Ministers a choice in appointments, Baroness Prashar explained that the Cabinet Office had asked the Commissioners to consider this in specific circumstances. The Commissioners had concluded there was no reason for moving from the current approach. This allowed Ministers a say in the type of individual they would like to see appointed but stopped short of allowing them a choice from among the leading candidates.

Giving Ministers a choice would erode two key principles. The first was recruitment on merit. The recruitment process was designed to draw up an order of merit, to decide who was the best available person to take on the job. The second principle was the concept of a permanent Civil Service. Ministers moved on whereas the permanence, professionalism and impartiality of the Civil Service ensured it could serve any government of the day.

Baroness Prashar's evidence is at the Committee's website:
www.public-standards.gov.uk/reports/9th%20report/executive.htm

Section 06 | Appendix A

Civil Service Commissioners' responsibilities laid down by Orders in Council

The Commissioners' responsibilities are laid down by the Civil Service Order in Council 1995 (with subsequent amendments) and the Diplomatic Service Order in Council 1991 (amended August 1995).

Recruitment

The Orders require the Commissioners to:

- maintain the principle of selection on merit on the basis of fair and open competition in recruitment to the Civil Service;
- prescribe and publish a Recruitment Code on the interpretation and application of the principle;
- incorporate in the Recruitment Code certain restricted circumstances in which exceptions to the principle can be made, within the terms of the Orders in Council;
- approve appointments at the most senior levels in the Civil Service made through open competition or under the exceptions;
- audit the recruitment systems of departments and agencies for compliance with the Recruitment Code.

In addition, the Commissioners, as empowered by the Orders, require departments and agencies to publish information about their recruitment, including their use of the exceptions to selection on merit on the basis of fair and open competition.

Appeals under the Civil Service Code

The Civil Service Order in Council gives the Commissioners the duty to hear and determine appeals under the Civil Service Code.

The code sets out the role and duties of civil servants and the standards of conduct and propriety expected of them. It also provides for matters which appear to contravene the code, including those raising fundamental issues of conscience, to be reported under departmental procedures.

When this has been done and the civil servant concerned considers that the response is not a reasonable one, he or she may appeal to the Commissioners. The procedures for making an appeal are set out in further detail in a leaflet produced by the Office of the Civil Service Commissioners. It is available from the Office and is published on its website: www.civilservicecommissioners.gov.uk/

Annual report

The Orders require the Commissioners to produce an annual report and they specify what is to be in it.

The report is to provide summary information on appointments requiring the Commissioners' approval which have been made through fair and open competition and through the use of permitted exceptions. It is to give an account of the audit of recruitment policies and practices. The report is also to give summary information on appeals which have been made to the Commissioners under the Civil Service Code.

Scope of responsibilities

The Commissioners' recruitment responsibilities relate to the Home Civil Service and the Diplomatic Service. Their responsibilities for appeals under the Civil Service Code concern only the Home Civil Service. Other parts of the public service are outside their remit. There are separate Commissioners for the Northern Ireland Civil Service.

Section 07 | Appendix B

Approval of appointments through open competition to the Senior Civil Service

From 16 July 2002 the Civil Service Order in Council was amended to allow departments to recruit direct to most posts at Senior Civil Service Pay Band 1 and 1A levels without the need for the Commissioners' written approval. Posts at these levels which required the Commissioners' approval before 16 July are shown separately in the following tables.

Sources of candidates approved for appointment

Candidates came from	Payband 2 and above	Payband 1 (before 16 July 2002 changes)
Civil Service	29	13
Other public sector	26	21
Private and voluntary sectors	42	15
Total	97	49

Types of senior civil service posts going to open competition

	Payband 2 and above	Payband 1 (before 16 July 2002 changes)
Head/Deputy Head of Department	11	–
Head/Deputy Head of Division	61	29
Chief Executive	10	–
Specialist Adviser	5	8
NHS Management	10	12

Gender and ethnic-minority and disabled people

	Payband 2 and above	Payband 1 (before 16 July 2002 changes)
Male	71	36
Female	26	13

On the basis of a questionnaire issued by departments and agencies, eight people from ethnic minorities and no disabled people were appointed.

Appendix B | Approval of appointments through open competition to the Senior Civil Service SASC appointments

DEPARTMENT/AGENCY	JOB TITLE	APPOINTEE
British Trade International	Group Chief Executive	Sir Stephen Brown
Defence	Chief of Defence Procurement	Sir Peter Spencer
	Head of Defence Export Services	Alan Garwood
Environment, Food and Rural Affairs	Director General, Environment	William Stow
Food Standards Agency	Chief Executive	Dr Jonathan Bell
Health	Deputy Chief Medical Officer	Prof Aidan Halligan
Home Office	Director General, Immigration and Nationality Directorate	Bill Jeffrey
International Development	Director General, Corporate Performance and Knowledge Sharing	Mark Lowcock
	Director General, Policy and International	Masood Ahmed
	Director General for Regional and International Programmes	Nicola Brewer
National Savings	Chief Executive	Alan Cook
Office of the Deputy Prime Minister	Director General for Local and Regional Government	Neil Kinghan
Trade and Industry	Director General, Innovation	David Hughes
Transport	Director General, Driver and Vehicle Operator Group	Stephen Hickey
HM Treasury	Managing Director, Finance, Regulation and Industry Directorate	James Sassoon

Appendix B | Other senior appointments through open competition

DEPARTMENT/AGENCY	JOB TITLE	APPOINTEE
Cabinet Office	Director, Maximising Performance	Richard Furlong
	Director, Reform Strategy Group	Paul Kirby
	Deputy Director, Prime Minister's Delivery Unit	William Jordan
	Deputy Director, Prime Minister's Delivery Unit	Peter Thomas
	Deputy Director, Prime Minister's Delivery Unit	Adrian Masters
	Head of Social Exclusion Unit	Claire Tyler
Central Office of Information	Chief Executive	Alan Bishop
Crown Office	Director of Human Resources	Leslie Common
Crown Prosecution Service	Human Resources Director	Angela O'Connor
Culture, Media and Sport	Director of Culture Online	Jonathan Drori
	Director of Sport	Alec McGivan
HM Customs and Excise	Director of Tax Practice	Chris Tailby
Defence	Director of Strategic Technologies	Paul Taylor
ABRO	Operations Director	David Mather
	Sales and Marketing Director	Graeme Rumbol
Defence Aviation Repair Agency	Chief Operating Officer	John Reilly
	Company Secretary	Bernard Galton
Defence Dental Agency	Chief Executive	Major General John Gamon
Met Office	Chief Scientist	Dr John Mitchell
Veterans Agency	Chief Executive	Alan Burnham
Education and Skills	Director of Teaching and Learning	Jane Williams
	Head of E-Learning Strategy Unit	Prof Diana Laurillard
	London Schools Commissioner	Prof Tim Brighouse
	Lead Director, Innovation Unit	Mike Gibbons
	Director, Innovation Unit	Valerie Hannon
	Director, Innovation Unit	Anne Diack
	Director, Innovation Unit	Maureen Burns
	Director, Innovation Unit	Toby Salt
	Director, Innovation Unit	Deryn Harvey

Appendix B | Other senior appointments through open competition

DEPARTMENT/AGENCY	JOB TITLE	APPOINTEE
Environment, Food and Rural Affairs	Director of Change	Francesca Okosi
	Director of IT	David Myers
Government Communications Headquarters	Director, Communications Electronics Security Group	Huw Rees
Health	Deputy Director, Media Relations	Jonathan Hibbs
	Director of Operations	Alan Doran
	Director of Strategic Communications	Jeremy Mooney
	Regional Director of Public Health	Prof Paul Johnstone
	Director of the NHS Leadership Centre	Penelope Humphris
	Director of Economics and Operational Research	Prof Barry McCormick
	Deputy Director, Strategic Communications	John Worne
	Director General, National Health Service IT Programme	Richard Granger
The Medicines and Healthcare Products Regulatory Agency	Chair	Prof Alasdair Breckenridge
Health & Safety Executive	Head of Railway Executive	Alan Osborne
Home Office	Chief Executive Officer, Independent Police Complaints Commission	Susan Atkins
Assets Recovery Agency	Assistant Director, Northern Ireland	Alan McQuillan
Inland Revenue	Director, Information Resources	Gwenda Sippings
International Development	Director, International	Peter Grant
	Director, Information	Owen Barder
	Director, Policy Division	Sharon White
HM Land Registry	Director of Legal Services	Joe Timothy
Lord Chancellor's Department, Court Service	Human Resources Director	Helen Dudley
Northern Ireland Office Compensation Agency	Chief Executive	Anne McCleary
Office of the Deputy Prime Minister	Regional Director, Government Office for South East	Paul Martin
	Regional Director, Government Office for East Midland	Jane Todd
Planning Inspectorate	Chief Planning Inspector	Katrine Sporle
Office of Fair Trading	Director Competition Enforcement	Vincent Smith

Appendix B | Other senior appointments through open competition

DEPARTMENT/AGENCY	JOB TITLE	APPOINTEE
Office of Gas and Electricity Markets	Managing Director, Competition and Trading	Boaz Moselle
	Managing Director, Regulation and Financial Affairs	David Gray
Office for National Statistics	HR Director	Susan Young
Office of Water Services	Director of Competition and Consumer Affairs	Anthony Smith
Public Record Office	Director of Government & Archiving Services	David Thomas
Scottish Executive	HM Senior Chief Inspector of Education	Graham Donaldson
Transport	Director of Finance	Ken Beeton
Trade and Industry	Chief Economic Adviser	Vicky Pryce
	Director, Women and Equality Unit	Angela Mason
	Director, Information & Workplace Strategy	Yvonne Gallagher
HM Treasury	Chief Executive, UK Debt Management Office	Robert Stheeman
National Assembly for Wales	Deputy Clerk, Presiding Office	Dianne Bevan
	Head of Equality Policy Unit	Yasmin Hussein
	Regional Director, NHS for Wales	Derek Griffin
	Regional Director, NHS for Wales	Stuart Marples
	Regional Director, NHS for Wales	Bob Hudson
	Director of Finance, NHS Wales	Christine Daws
Work and Pensions	Chief Economist, Pensions	Robert Laslett
	Director of Learning & Development	Michael Holbrook
	Employer Services Director	Mark Grimshaw
	Finance Director	Simon Furse
	Programme Director	Kevin Bone
	Programme Director	Alan Wong
	Programme Director	Sandra Robinson
	Programme Director	Martin Bellamy
	Programme Director	Deb Chakravarty
	Chief Technology Officer	Kenny Robertson

Appendix B Payband 1/1A appointments (as approved prior to 16 July 2002)

DEPARTMENT/AGENCY	JOB TITLE	APPOINTEE
Crown Prosecution Service	Deputy Chief Inspector	Sally-Anne Downey
Health	Chief Health Professions Officer	Kay East
	Chief Scientific Officer	Dr Susan Hill
	Deputy Chief Dental Officer	Dr Barry Cockcroft
	Chief Dental Officer	Prof Raman Bedi
	Director of Nursing, Prison Health Task Force	Richard Bradshaw
	Modernisation Leader	Jasbir Sunner
	Senior Economic Adviser	Richard Murray
	Senior Medical Officer, Communicable Disease Branch	Dr Mark Evans
	Head of Policy Research	Gillian Parker
	Head of Performance	Sally Campbell
	Head of Health Regeneration Unit	Dr John Woodhouse
	Deputy Regional Director of Public Health	Dr Colin Pollock
Home Office	Chief Internal Auditor	Timothy Hurdle
	Head of Offenders and Corrections Unit	Dr Carol Hedderman
	Head of Race Equality Unit	Bruce Gill
	Director of Resources, National Directorate of Police Training	Joe Abah
	Director of Corporate Services	Nick Lewis
	Director Operations and Compliance	Andy Drane
Passport and Records Agency	Director, Criminal Records Bureau	John O'Brien
Northern Ireland Office	Head of Information Systems/Information Technology Division	Brett Hannam
Office of the Deputy Prime Minister	Head of Implementation, Neighbourhood Renewal Unit	Jon Bright
Office of Fair Trading	Branch Director	Christine Wade
	Branch Director	Ray Hall
	Branch Director, Legal Division	Paul Gurowich
Office of Gas and Electricity Markets	Senior Legal Adviser	Fergus Collins
	Senior Legal Adviser	Ebrahim Ali
	Director of Distributions and Financial Affairs	Martin Crouch
Office of Government Commerce	HR Director	Paul Jones
Office for National Statistics	Head of Economics	Prabhat Vaze

Appendix B Payband 1/1A appointments (as approved prior to 16 July 2002)

DEPARTMENT/AGENCY	JOB TITLE	APPOINTEE
Office of the Parliamentary Commissioner for Administration and Health Service Commissioners	Clinical Adviser	Dr Roger White
	Clinical Adviser	Dr Riaz Mohammed
	Clinical Adviser	Dr Nicholas Evans
Scottish Executive	Assistant Director; Learning, Development and Careers	Rosemary Winter-Scott
	Deputy Chief Inquiry Reporter	Michael Culshaw
	Head of Analytical Services Division/Senior Economic Adviser	Jonathan Ireland
	Head of Centre for Change and Innovation	June Andrews
Transport	Chief Inspector, Marine Accidents	Stephen Meyer
	Head of Diversity Unit	Shelagh Prosser
	Head of Performance and Development	Janet Fortune
	Head of Housing Management	Dawn Eastmead
Highways Agency	Divisional Director, Safety Standards and Research	Andrew Jones
	Divisional Director, Safety Standards and Research	John Pearman
Trade and Industry	Director, Materials and Engineering Unit, Business Group	Simon Edmonds
	Director, UK Foresight	Dr Claire Craig
Small Business Service	Marketing Director	Markus Clavin
National Assembly for Wales	Chief Scientific Adviser, Health	Dr Edward Crawley
Work and Pensions	Jobcentre Plus Head of Financial Management & Control	Derek McMahon
Child Support Agency	Finance Director	James Edgar

Section 08 | Appendix C

Interpretation of selection on merit and fair and open competition

The Commissioners are charged with upholding the basic principles of selection on merit and fair and open competition. The principles are set out in detail in our Recruitment Code. This is our interpretation of them.

Selection on merit

The Recruitment Code (1.16) states that selection on merit has two objectives:

- No one should be appointed to a job unless they are competent to do it.
- If two or more people meet the criteria for appointment, the job should be offered to the person who would best do it.

Selection on merit therefore means selecting the best available person for the job.

Merit is a relative not an abstract concept. It calls for a decision based on the circumstances at the time, not on theoretical circumstances.

So merit depends on the context:

- **The nature of the job**
What is the purpose of the job over the next 3-5 years? Someone who is best at managing a start-up might not be best at running an organisation in more settled times.
- **The length of the appointment**
The best candidate in terms of doing the job over the 3-5 years might not be the one who would do it best on day one.
- **The job market**
The best person available will depend in part on the attractiveness of other employment opportunities at the time.

Merit, then, is more than competence. But, before merit is identified, competence must be defined properly.

The various competencies required in the job should be weighted according to their contribution towards the successful carrying out of the job. The most meritorious candidate will be the one who is best at the job's critical elements.

So the task is to establish:

First: Who is competent to do the job.

Then: Who is the best person to do it.

The practical steps to be taken are:

- 1 Establish the qualities, competencies, experience etc that are required for the job. Then list them in order of priority.
- 2 Decide which procedures for making the job known can be expected to allow the best available candidates to come forward for consideration.
- 3 Draw up procedures which will reliably determine suitability for the job on the basis of the criteria established in stage 1. In particular, the procedures must distinguish how candidates compare with each other in terms of merit.
- 4 Bring together a panel who are best placed to determine merit with regard to this job.

These preparations require, first, that it is clear right at the start why an appointment is wanted and what sort of person is being sought.

It is essential to research the potential field of candidates and think flexibly about effective ways of interesting them in the appointment.

The selection processes must be thought through. Which are most likely to show how far candidates meet the various requirements of the job? And which will enable the panel to make realistic comparisons among the candidates? For example, an interview that concentrated on how a candidate would handle particular circumstances could reward those who can talk in hypotheses. But it might not reveal how well the candidate handled critical incidents in the past.

Appendix C | Interpretation of selection on merit and fair and open competition

Fair and open competition

Openness

The Recruitment Code (1.16) states that openness is about making Civil Service jobs accessible by ensuring that opportunities are made known and publicised. It also says (Appendix 1 to Part I) that prospective applicants must be given equal and reasonable access to adequate information about the job and its requirements and about the selection process.

So open competition means, in the first place, that the competition is open to eligible people. (In the past it was contrasted with 'limited' competitions open only to civil servants.)

But, if a job is to be genuinely open to eligible people, all such people must be given an equal opportunity to find out about it and what it involves. And they must have an equal opportunity to apply for it.

Openness therefore means that individuals are not unfairly excluded. There could be a risk of that as a result of where the job is advertised and what is (or is not) said about it. Inappropriate eligibility conditions also infringe openness.

Openness is also about setting thresholds for suitability and excluding unsuitable people. It is linked with fairness in making clear what people need to know in order to set out their suitability for the job and what they would bring to it. And openness is linked with merit in helping to ensure that suitable people apply.

An advertisement that produces a small number of good candidates is better than one that attracts a large number of applicants, many of whom turn out to be unsuitable.

In considering whether or not the competition is open, particular account needs to be taken of the following:

- Someone who might be interested in a job must have a reasonable opportunity to find out about it.
- They must be clear about what is on offer (the nature of the work, terms of appointment and remuneration) and what will demonstrate suitability.
- The application process must help to identify suitable candidates.

Fairness

The Recruitment Code says fairness means ensuring there is no bias in assessment of candidates at any stage of the selection process.

Fairness is to some extent an intuitive notion. To ensure that procedures are fair, it is important to look at the circumstances in the round. Account needs to be taken of the differences between people. Fairness does not mean treating everyone the same – eg asking them just the same questions.

To achieve fairness it is necessary to keep in mind what would amount to unfairness. In any context, there will be the possibility of doing something which might be perceived as an unfair procedure or unfair treatment of someone. Fairness is partly about avoiding these.

Appendix C | Interpretation of selection on merit and fair and open competition

So fair competition means giving each person a full opportunity to set out their suitability for the job and what they would bring to it. That in turn requires assessment procedures that avoid bias by being:

- objective and reliable indicators of future performance;
- unaffected by gender, race or other irrelevant considerations;
- relevant to the job;
- consistently applied.

But consistency does not necessarily mean using identical procedures for everyone. It is about applying the same general criteria of assessment to everyone in order to determine who is best able to do the job – in short, selection on merit.

It is important that candidates should feel the competition has been handled in these ways.

Exceptions to selection on merit and fair and open competition

The exceptions to fair and open competition permitted by the Commissioners are to do with flexibility, speed and pressing operational factors; the benefits that can be realised through secondment arrangements; and removing unfairness in the case of disabled people.

When these procedures are used, it is important to understand that exceptions to the basic principles are being made. There should be no overlap or confusion between them and normal procedures.

The Recruitment Code is at our website:
www.civilservicecommissioners.gov.uk/

Section 09 | Appendix D

Amendments to Order In Council and Recruitment Code

The Civil Service Order in Council 1995 was amended on 16 July 2002 with regard to appointments requiring the Commissioners' approval. We made appropriate changes to our Recruitment Code and allowed greater flexibility in the procedures for arranging secondments.

We agreed we should no longer be required to approve most of the appointments to the lower levels of the Senior Civil Service (SCS). We considered that most were not of a sensitivity or weight which required us to be directly involved in the selection process.

Our approval is now required for appointments as we specify in our Recruitment Code. These are:

- at Pay Band 2 and above;
- all SCS posts in the Government Information and Communication Service and similar appointments in the information area.

This provision covers both appointments made on merit on the basis of fair and open competition and those made as permitted exceptions to that principle.

Other changes to the Order in Council gave departments more flexibility in making short-term appointments at these senior levels. Previously such appointments could be made without our approval only if they were for less than 12 months. Now departments can extend such appointments by up to another 12 months without our approval. They can also make secondments of up to two years without our approval.

The Recruitment Code previously required departments to take reasonable steps to establish a field of candidates for secondments of more than 12 months. The period is now more than two years.

Section 10 | Appendix E

Exceptions to selection on merit on the basis of fair and open competition

The permitted exceptions to the principle of selection on merit on the basis of fair and open competition are set out in general terms in the Civil Service Order in Council. Our Recruitment Code gives more details.

The exceptions include:

- short-term appointments justified by the needs of the service or by the need to relieve long-term unemployment (eg to allow Civil Service participation in the Government's New Deal programme);
- secondments to promote the exchange of ideas and experience;
- the re-appointment of former civil servants who had been recruited through fair and open competition;
- limited transfers from other public services;
- transfers into the Civil Service of staff whose functions have been taken over by government;
- encouraging and assisting disabled people in the selection process in ways not available to other applicants (eg the guarantee of an interview);
- exempting, since the beginning of 2002, disabled people in supported employment from the normal requirements for selection on merit on the basis of fair and open competition.

Very exceptionally we may agree to the conversion to permanency of a secondment or other short-term appointment not made through open competition.

The 15 appointments at very senior levels or in very exceptional circumstances where our approval was required last year were:

- three short-term appointments without fair and open competition outside the normal circumstances allowed in the Recruitment Code;
- one short-term highly specialised senior appointment without fair and open competition;
- four senior secondments;
- three conversions of secondments to fixed-term appointments and two to permanent appointments;
- one conversion to permanency of a short-term appointment made without fair and open competition;
- one reinstatement at a senior level.

The table below shows these exceptions under the various categories provided for in the Civil Service Order in Council and compares them with the figures in 2000-2001 and 2001-2002. The reduction in the number of secondments approved in 2002-03 reflects the fact that from 16 July 2002 our approval ceased to be required for the lower levels of the Senior Civil Service (as explained in Appendix D).

Appointments approved under exceptions to selection on merit on the basis of fair and open competition

	Paragraph in Order in Council	2000 – 01	2001 – 02	2002 – 03
Appointment up to five years without open competition	[6(1)(a)]	2	8	4
Secondment	[6(1)(b)]	12	12	4
Extension, conversion to permanent appointment or transfer elsewhere in the Civil Service	[6(1)(c)]	10	8	6
Re-instatement	[6(1)(d)]	1	2	1
Previous appointment in a public service	[6(1)(e)]	1	2	–
TOTAL		26	32	15

Section 11 | Appendix F

Recruitment audits

Under the Civil Service Order in Council the Commissioners have a duty to audit departments' recruitment systems and practices. This is to establish whether departments, as the appointing authorities, are observing the Commissioners' Recruitment Code.

Recruitment audit is carried out under contract to the Commissioners. One Commissioner is assigned to each audit and monitors its progress.

The auditors, in consultation with our Office, determine a programme of audits. These concentrate on recruitment systems and practices to ensure they comply with the principle of selection on merit on the basis of fair and open competition as set out in the code.

The code is mandatory and sets out for appointing authorities information on the interpretation and application of the recruitment principles, including the circumstances in which exceptions to those principles may be allowed.

Our approach to recruitment audit emphasises the responsibility of departments and agencies for ensuring the code's requirements are met. More specifically, it is primarily their responsibility to monitor and account for the performance of their individual recruitment units.

Those departments and agencies selected for audit are assessed through a process of initial off-site audit. This is followed, where appropriate, by a compliance audit visit and, if necessary, by a follow-up to check on remedial action taken.

During the report period the auditors identified 42 establishments for off-site audit. Of these 31 required compliance audit visits.

With very few exceptions, we continue to find that those who carry out recruitment to the Civil Service understand and support the core principles of selection on merit on the basis of fair and open competition. Indeed, many audits continue to provide examples of good practice that can be passed on to others to help them improve their performance.

Most departures from the code identified by the auditors relate to the maintenance of systems. Poor record-keeping is an example. Unless there is an adequate audit trail, there is the risk that potential departures from the code will not be identified.

Auditors have also found that departments' internal monitoring systems are sometimes less robust than they should be. In particular, they do not follow up shortcomings that have been identified. Auditors have also found that files relating to recruitment to the Senior Civil Service are sometimes less comprehensive than those at lower levels.

When the auditors agree with departments and agencies on a programme of action to address the auditors' concerns, this is in each case followed up before the audit is concluded.

In 2002-2003 the auditors carried out 28 follow-up audits where action had been completed to the Commissioners' satisfaction. There was one other organisation where follow-up action had not yet been concluded.

Section **12** | Appendix G

Overseas visitors

The Office of the Civil Service Commissioners helps the Cabinet Office's International Public Service Group (IPSG) by meeting a wide range of overseas visitors.

IPSG considers that the Commissioners' work is viewed internationally as a model of good practice. It sees continuing interest in our role in relation to the selection-on-merit principle, the Recruitment Code and the auditing of recruitment systems.

The growing concern in many countries about public-service ethics has led to a number of enquiries about the Commissioners' responsibilities for appeals under the Civil Service Code.

During the year, the governments whose representatives visited the Office included those of Australia, Bermuda, the Kingdom of Bhutan, Bulgaria, Canada, China, Germany, Japan, Malawi, Mexico, New Zealand, the Slovak Republic, the Republic of Srpska and Tanzania.

The Secretary to the Commissioners contributed in February to a forum in Mexico City to discuss the introduction of fundamental changes to the role and structure of the Mexican Civil Service.

Other meetings were with participants in an International Labour Organization training conference from Botswana, Eritrea, Estonia, Georgia, Ghana, Kenya and Zimbabwe.



The Office of the Civil Service Commissioners 35 Great Smith Street London SW1P 3BQ

www.civilservicecommissioners.gov.uk

